

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated March 15, 2006 has been received and its contents carefully reviewed.

Claims 1-3 are hereby amended and claim 4 has been withdrawn. Accordingly, claims 1-3 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office Action rejects claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 and 2 have been amended to obviate the 35 U.S.C. §112, second paragraph rejection and not to overcome prior art rejections. Claim 3 has been amended to clarify the claimed subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) as being obvious over WHIPPLE (U.S. Patent No. 5,330,580) or ELICK (U.S. Patent Publication No. 2004/0173245).

As a preliminary matter, the present application has a filing of November 21, 2003. ELICK, on the other hand, has a filing date of March 19, 2004. Although ELICK is a continuation-in-part of two patent application Nos. 10/186,714 and 10/186,739, both of these patent applications do not contain the descriptions found in paragraph [0054] of ELICK, and relied on in the Office Action to reject the claims. Thus, ELICK cannot rely on the earlier filing dates of the two patent applications regarding the disclosure of paragraph [0054]. Because ELICK has a filing date that is later the filing date of the present application, ELICK cannot be used as prior art against the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) over ELICK is respectfully requested.

Regarding WHIPPLE, as required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.

Applicants respectfully submit that WHIPPLE does not disclose or suggest each and every element of claim 1.

For example, claim 1 recites, among others, comparing a value indicative of a determined electrical characteristic with a reference value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the reference value during the second predetermined time period.

WHIPPLE does not disclose or suggest the above-noted features of claim 1. Instead, WHIPPLE explicitly states that a variable time is used to ensure that water is not shut off prematurely. See col. 6, lines 64-66. Specifically, WHIPPLE at col. 7, lines 24-30 discloses that by sensing when the oscillations or surges in the power consumption of a motor have dampened or ceased, the appropriate time to stop providing liquid is determined. In contrast, claim 1 recites continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the reference value during the second predetermined period. Because WHIPPLE does not disclose or suggest at least these features, claim 1 recites patentable subject matter.

Claim 2-3 are also allowable by virtue of their dependency on claim 1.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

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filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: **June 15, 2006**

Respectfully submitted,

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